IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.6789 of 2006
Date of Decision : December 19, 2006.

M/s Mohinder Singh Rajinder Pal ..... Petitioner

Vs.

Gurbhej Singh and another ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.S.C.Pathela, Advocate
for the petitioner.

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P.S.Patwalia, J. (Oral) :

The present revision petition has been filed challenging the order dated 13.11.2006 vide which the respondent, defendant in the suit, has been permitted to amend his written statement. The plaintiff is a commission agent. He had filed a suit for recovery of a sum of Rs.1,35,680/- as principal and Rs.55,900/- as interest. The respondent who is an agriculturist, has contested the suit. At the stage when the plaintiff had concluded his evidence, the respondent moved an application for amendment of the written statement. He wished to plead a writing dated 3.11.2000 signed by one Satish Kumar allegedly a Clerk with the petitioner who had stated in the writing that nothing is dues as all outstanding as accounts had been settled. The trial court after assessing the matter allowed the amendment.

Learned counsel for the petitioner contends that the amendment could not have been allowed after the trial has commenced. For this purpose he has relied upon a judgment of the Hon'ble Supreme Court in ***Baldev Singh and others vs. Manohar Singh and another*** reported as

2006 (3) RCR (Civil) 844. A reading of the aforesaid judgment would rather show that the Court has concluded as hereunder :-

> *".....Therefore, in view of the provisions made under Order 6 Rule 17 of the CPC it cannot be doubted that wide power and unfettered discretion has been conferred on the Court to allow amendment of the pleadings to a party in such manner and on such terms as it appears to the Court just and proper. While dealing with the prayer for amendment, it would also be necessary to keep in mind that the Court shall allow amendment of pleadings if it finds that delay in disposal of Suit can be avoided and that the suit can be disposed of expeditiously."*

The aforesaid judgment also acknowledges the wide powers conferred with the courts to allow the amendments if the facts of the case would so justified. In the present case I am of the opinion that no error has been committed by the trial court in permitting the defendant to amend his written statement so as to plead the writing which shows full and final settlement of the accounts.

I therefore find no error in the view taken by the court below. The present revision petition is accordingly dismissed.

December 19, 2006 (P.S.Patwalia)
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